

**FLOODPLAIN 8-STEP PROCESS IN ACCORDANCE WITH
EXECUTIVE ORDER 11988: FLOODPLAIN MANAGEMENT
EXECUTIVE ORDER 11990: WETLAND MANAGEMENT**

**New York Governor's Office of Storm Recovery
New York City Comprehensive Green Infrastructure Project
Kings and Queens County, New York**

June 19, 2020

Introduction and Overview

This Floodplain Management and Wetlands Protection Plan (Plan) Compliance Document meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management— and Executive Order 11990—Protection of Wetlands—for the New York City Comprehensive Green Infrastructure Project located in Kings and Queens Counties, New York (Proposed Project). On behalf of Grantee the State of New York, the Governor's Office of Storm Recovery (GOSR), serving under the auspices of the New York State Homes and Community Renewal's Housing Trust Fund Corporation, and acting under authority of the U.S. Department of Housing and Urban Development's (HUD) regulations at 24 CFR Part 58, and in cooperation with other involved, cooperating, interested agencies, is participating in the HUD's Community Development Block Grant Program as administered by the State of New York Action Plan for Community Development Block Grant Program – Disaster Recovery (CDBG-DR).

This Plan documents the eight-step decision making process for the New York City Comprehensive Green Infrastructure Project (Proposed Action) and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA) or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final, and wetland as defined by 24 CFR 55.2(b)(11).

Description of Proposed Program Activities

The Dormitory Authority of the State of New York (DASNY) is proposing the implementation of resiliency improvements utilizing green infrastructure within the boundaries of six NY Rising Community Reconstruction Program (NYRCR) Planning Areas in New York City. The project areas include: 1) Rockaway, Queens; 2) Gravesend/Bensonhurst, Brooklyn; 3) Southeast Brooklyn; 4) Canarsie, Brooklyn, 5) Idlewild Middle School (I.S. 72), Queens; and 6) Idlewild ROWs, Queens. The Proposed Action was developed to improve stormwater drainage within roadways and intersections as well as a property occupied by Idlewild Middle School (I.S. 72), which have been subject to flooding during recent storms. Specific green infrastructure measures proposed include bioswales within existing roads and rights of way (ROWs) and a rain garden within the boundaries of Idlewild Middle School (I.S. 72).

Out of the six project areas, only one (Rockaway, Queens) is located within the 100-year floodplain (SFHA Zone AE); the remainder of the project areas are outside the SFHA. Project Area 1 (Rockaway) and Project Area 4 (Canarsie) are situated within a NYSDEC Tidal Wetlands Adjacent Area. The Proposed Activity in Rockaway Queens, including the installation of 22 bioswales within existing, paved, road ROWs, would result in less than 0.03 acres of permanent impacts to the SFHA. Although Project Areas 1 (Rockaway) and 4 (Canarsie) are situated within a NYSDEC Tidal Wetlands Adjacent Area, no impacts to wetlands would occur.

The Proposed Action is a result of the New York State Department of Environmental Conservation (NYSDEC) Consent Order issued to the City of New York in 2005 and modified in 2012. The Consent Order requires water quality improvements to the receiving water bodies in the six project areas which are

impacted by combined sewer overflow (CSO). Green infrastructure was one of the design solutions to improving water quality by improving the quality of CSO. The locations of green infrastructure were identified through tributary studies conducted by NYS Department of Environmental Protection (DEP) and the effectiveness was determined through pilot studies. Geotechnical studies were conducted to determine the feasibility of constructing the bioswales as well as determining the effectiveness.

New York City's goal is to manage the first inch of rainfall on at least 10% of the impervious areas in combined sewer watersheds through detention or infiltration techniques over 20 years. By preventing one inch of precipitation from becoming runoff that surges into the sewers over 10% of each combined sewer watershed's impervious area, DEP estimates that CSOs will be reduced by approximately 1.5 billion gallons per year (bgp). Per the 2012 Amended Consent Order, DEP must meet this goal by achieving 1.5% impervious area managed by 2015, an additional 2.5% by 2020, an additional 3% by 2025, and the remaining 3% by 2030.

In contrast to grey tanks, tunnels, and expansions, which are single function, below grade items that lay dormant unless there is a storm of sufficient size, green infrastructure benefits would begin to accrue immediately and build over time. Green infrastructure does not require the long lead times for design and construction and would not be subject to the intervening risks from changes in climate, labor, and economic conditions as well as regulatory requirements that impact grey infrastructure. Construction of green infrastructure projects would require less energy to operate, lead to less of an impact on greenhouse gas emissions and require less material use in their construction.

In addition to water quality benefits, the proposed project would also lead to public sustainability benefits that are not provided through grey infrastructure. Green infrastructure would help to improve air quality, reduce urban heat island effect, reduce energy use and greenhouse gas emissions, and beautify communities. Given these factors, the proposed project presents more balanced benefits, fewer risks to the City, and greater sustainability benefits.

Executive Orders 11988 and 11990 & 24 CFR Part 55

Pursuant to 24 CFR §55.20, an 8-step process for floodplain management must be completed for proposed actions taking place in a floodplain or wetland. 24 CFR §55.20 implements Executive Order (EO) 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands). EO 11988 requires federal agencies (or a state agency implementing a federal funding program) to reduce the loss of life and property caused by floods, minimize impacts of floods on human safety, health, and welfare, and preserve the natural and beneficial functions of floodplains. EO 11990 requires federal agencies (or a state agency implementing a federal funding program) to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.

In addition, federal agencies are required to demonstrate that consideration of all practicable alternatives has resulted in the reduction or elimination of long- and short-term adverse impacts associated with occupancy and modifications of the floodplain or wetlands. This 8-step process includes assessing all practicable alternatives and incorporating public review.

Projects located within a Special Flood Hazard Area (SFHA) are subject to Executive Order 11988. Information relative to where SFHAs are located is available on Flood Insurance Rate Maps (FIRMs) published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data, such as Advisory Base Flood Elevations (ABFEs) or preliminary and final FIRMs.

The SFHA is the area that would be inundated by a 100-year flood; which is an area that has a one percent or greater chance of experiencing a flood in any single year. SFHAs are shown on FIRMs as shaded areas labeled with the letter “A” or “V”.

- “V” zones are coastal flood hazard zones subject to wave run-up in addition to storm surge.
- “A” zones include all other SFHAs.
- “VE” zones, “AE” zones, “V” zones, or “A” zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations (BFE).
- A zone with the letter “A” or “V” by itself is an appropriately studied flood hazard area without a specific flood elevation.
- Within an “AE” zone or a numbered “A” zone, there may be an area known as the “regulatory floodway,” which is the channel of a river and adjacent land areas which must be reserved to discharge a 100-year flood without causing a rise in flood elevations.

24 CFR Part 55.20 Eight-Step Process

Step ONE: Determine if the proposed action is in a 100-year floodplain or wetland.

Out of the six project areas, only one (Rockaway, Queens) is located within the 100-year floodplain (SFHA Zone AE); the remainder of the five project areas are outside the SFHA. The Proposed Action in Rockaway Queens, including the installation of 22 bioswales within existing, paved, road ROWs, would result in less than 0.03 acres of permanent impacts to the SFHA and Tidal Wetlands Adjacent Area. Project Area 4 (Canarsie) is also located within a NYSDEC Tidal Wetlands Adjacent Area. Approximately 0.02 acres (less than 1,000 square feet) of Tidal Wetlands Adjacent Area would be impacted from the project at this location.

existing sidewalk and curb areas within five streets, two avenues and one parkway would be impacted by the proposed project.

Step TWO: Notify the public at the earliest possible time of a proposal to consider an action in a wetland or floodplain (or in the 500-year floodplain for a Critical Action) and involve the affected and interested public in the decision-making process.

Since the Proposed Activities would be located in the SFHA, GOSR must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the Proposed Action in this area. The early public notice and 15-day comment period is complete. A 15-day “Early Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain and Wetland” was published by GOSR in the Brooklyn Graphic and the Queens Times Ledger on April 10, 2020. The 15-day comment period expired on April 25, 2020. The notice was also sent to the following state and federal agencies on April 9, 2020: Federal Emergency Management Agency (FEMA), U.S. Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security (DHS), U.S. Fish and Wildlife Service (FWS), NYS Department Environmental Conservation, the NYS Office of Parks, Recreation and Historic Preservation, NYC Office of Recovery and Resiliency, NYS Department of Transportation, and NYS Office of Emergency Management. The notice was also sent to Kings and Queens County Executives and District Managers of the appropriate Community Boards.

GOSR received 0 public comments on this notice.

Step THREE: Identify and evaluate practicable alternatives to locating the proposed action in a wetland or floodplain (or the 500-year floodplain for a Critical Action).

The Applicant considered the following alternatives in selecting the Proposed Action:

No Action Alternative

The primary alternative for the current proposed action is the “No Action” alternative. Not undertaking the Proposed Action would not be consistent with the goals and objectives of the New York City Rising Community Reconstruction Plan, in which it is a featured project that would improve stormwater management within frequently flooded street segments. The No Action Alternative would result in continued flooding of streets and beneficial impacts such as the reduction of urban heat island effects, energy use and greenhouse gas emissions would not be realized.

Alternative Site Alternative

The Proposed Action involves the installation of green infrastructure adjacent to existing road segments which have been in place many years. There are no alternative sites for the Proposed Action.

Grey Infrastructure

NYC Department of Environmental Protection (DEP) modeling shows that green infrastructure will reduce more CSO volumes at significantly less cost than all-Grey Strategy evaluated by DEP and contemplated under the Consent Order. The NYC Green Infrastructure Plan published in 2010 considered grey infrastructure alternatives to green infrastructure and found that green infrastructure is an effective response to a variety of environmental challenges that is cost-effective, sustainable, and provides multiple desirable environmental outcomes. A copy of the NYC Green Infrastructure Plan is available here: <https://www1.nyc.gov/assets/dep/downloads/pdf/water/stormwater/green-infrastructure/nyc-green-infrastructure-plan-2010.pdf>. Grey infrastructure would also require construction in the floodplain.

Step FOUR: Identify the potential direct and indirect impacts associated with the occupancy or modification of the wetland or floodplain (or 500-year floodplain for a Critical Action).

Project Area 1 in Rockaway Queens is located within Zone AE of the 100-year floodplain. The Proposed Activity at this location would result in less than 0.03 acres of permanent impacts to the 100-Year Floodplain. Although Project Areas 1 (Rockaway) and 4 (Canarsie) are situated within a NYSDEC Tidal Wetlands Adjacent Area, no impacts to wetlands would occur.

The 43-acre Rockaway, Queens project area includes the elongated area between Beach 108th Street east to Beach 94th Street, and Rockaway Beach Boulevard south to Shore Front Parkway. The project area crosses through two apartment complexes, the Surfside Apartments and the Belle Shore Condominiums. Proposed work at this location would involve the installation of 22 bioswales within two streets and a parkway. Approximately 0.03 acres (1,500 square feet) of sidewalk and curb areas within the existing road ROWs would be impacted. Typical GIA installation entails saw cutting existing paved areas, excavating existing substrata, backfilling the site, restoring pavement, and planting tree/shrub/grass.

One of the goals of the Proposed Action is to reduce the extent of impervious surfaces and allow runoff and rainwater to infiltrate into the soil at a faster rate reducing flooding of the streets and sewer systems. This would ultimately reduce the potential for flooding from the surrounding tidal wetlands and bays and reduce the amount of untreated runoff entering the bays. Therefore, the proposed project would not result in potential significant adverse impacts to water hydrology and floodplains. amount

Since the Proposed Action involves adjacent to road segments that have been in place many years, only short-term impacts to previously disturbed areas would result from the Proposed Action. Potential adverse impacts from construction would be temporary and mitigated through construction staging plans developed in partnership with Queens County to minimize disturbance throughout the construction period. The Proposed Action would not only provide better stormwater management but increase the safety of several

primary access roads which serve as key community gateways and important evacuation routes. In addition, ancillary benefits would be realized including streetscaping which would support local business growth, as well as improved water quality in nearby waterbodies.

Step FIVE: Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the wetland or floodplain (including the 500-year floodplain for a Critical Action) and to restore and preserve its natural and beneficial values.

The Proposed Action would be implemented adjacent to existing road segments on land that has been previously disturbed. Improving infrastructure that is already in place would minimize impacts to the floodplain and wetlands. Strict requirements for the disposal of debris generated during construction will be in place to prevent, to the extent possible, negative impacts to the floodplain and wetlands. The handling and disposal of construction debris, control of stormwater runoff, and noise impacts resulting from construction activities would be in accordance with all local and state regulations.

The Proposed Action would also implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil into adjacent areas. Best management practices (BMPs), such as silt fence and erosion prevention, would be implemented as required by permits or agency discretion. Because the Proposed Action would not result in adverse impacts on the natural and beneficial values of wetlands and the floodplain, no additional methods to minimize those impacts are proposed.

One of the goals of the Proposed Action is to reduce the extent of impervious surfaces and allow runoff and rainwater to infiltrate into the soil at a faster rate reducing flooding of the streets and sewer systems. This would ultimately reduce the potential for flooding from the surrounding tidal wetlands and bays and reduce the amount of untreated runoff entering the bays. Therefore, the Proposed Action would not result in potential significant adverse impacts to water hydrology and floodplains.

The Proposed Action includes source controls for stormwater before it enters the sewer system. The nature of the Proposed Action makes it unlikely that green infrastructure will impact floodplains, wetlands and water quality. In addition, the proposed installation of green infrastructure systems would be done in a manner protective of the site's ecology by working with the existing topography and vegetation as well as implementing all necessary soil erosion and sediment control practices.

No significant changes are expected to occur to the current floodplain of the areas surrounding the green infrastructure.

Step SIX: Reevaluate the proposed action to determine if it is still practicable given its floodplain and wetland effects.

GOSR has reevaluated the Proposed Action and determined that the action is still practicable in light of its potential exposure to flood hazards in the floodplain and wetland adjacent area. The Proposed Action would not aggravate current hazards to the floodplain, nor will the Proposed Action permanently disrupt floodplain or wetland values. No significant changes are expected to occur to the current floodplain of the areas surrounding the green infrastructure. The addition of green infrastructure would decrease the amount of impervious surface, which will benefit the floodplain. Wetlands will not be impacted by the Proposed Action.

Step SEVEN: If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the wetland or floodplain (or the 500-year floodplain for a Critical Action), publish a final notice.

It is GOSR's determination that the preferred alternative is implementing the New York City Comprehensive Green Infrastructure Project. In addition to water quality benefits, the Proposed Action would also lead to

public sustainability benefits that are not provided through grey infrastructure. Green infrastructure would help to improve air quality, reduce urban heat island effect, reduce energy use and greenhouse gas emissions, and beautify communities. Given these factors, the proposed project presents more balanced benefits, fewer risks to the City, and greater sustainability benefits.

A 15-day Final Notice, formally known as “Combined Notice of Intent to Request Release of Funds and Final Notice and Public Explanation of a Proposed Activity in A Floodplain and Wetland” was published on June 19, 2020 in accordance with 24 CFR 55. 19. The 15-day period expired on July 6, 2020. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on June 18, 2020: U.S. Dep. of Housing and Urban Development; U.S. Environmental Protection Agency (EPA); U.S. Department of Homeland Security (DHS); U.S. Fish and Wildlife Service (FWS); NYS Department of Environmental Conservation; the NYS Division of Homeland Security & Emergency Services the NYS Office of Parks, Recreation and Historic Preservation; NYS Department of Transportation; and NYS Office of Emergency Management. The notice was also sent to the New York City Department of Environmental Protection and Kings and Queens County Officials (see EXHIBIT 4 for the notice).

In the event GOSR receives public comments on this notice, GOSR will respond to those comments and update this record accordingly.

Step EIGHT: The proposed action can be implemented after steps 1 through 7 have been completed.

GOSR, operating under the auspices of the New York State Homes and Community Renewal’s (NYSHCR) Housing Trust Fund Corporation as the responsible entity, will ensure that the Proposed Action, as described above, is executed and necessary language will be included in all agreements with participating parties. Implementation of the Proposed Action will require additional local and state permits, which may place additional design modifications or mitigation requirements on the Proposed Action. It is acknowledged there is a continuing responsibility by the responsible entity to ensure, to the extent feasible and necessary, compliance with the steps herein. Prior to Proposed Action implementation, GOSR will conduct a National Environmental Policy Act (NEPA) review in accordance with 24 CFR Part 58 and a New York State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

EXHIBITS

EXHIBIT 1: FEM Flood Hazard and Wetland Site Location Maps

EXHIBIT 2: Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EXHIBIT 3: Public Comments Received and Response, if applicable

EXHIBIT 4: Copy of Transmittal of Notice of Final Public Review and Proof of Publication

EXHIBIT 1a: FEMA Preliminary FIRM Map

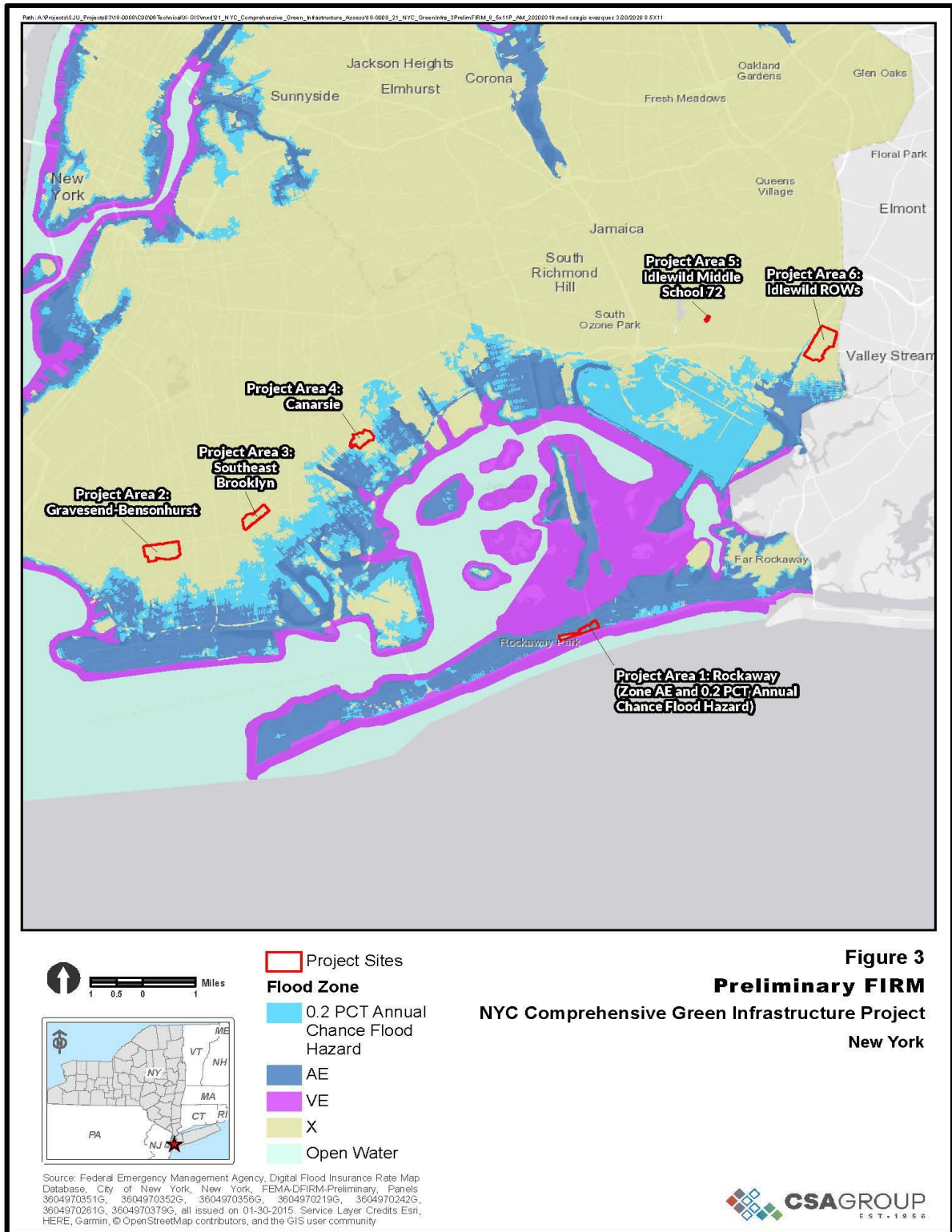


EXHIBIT 1b: Wetland Map

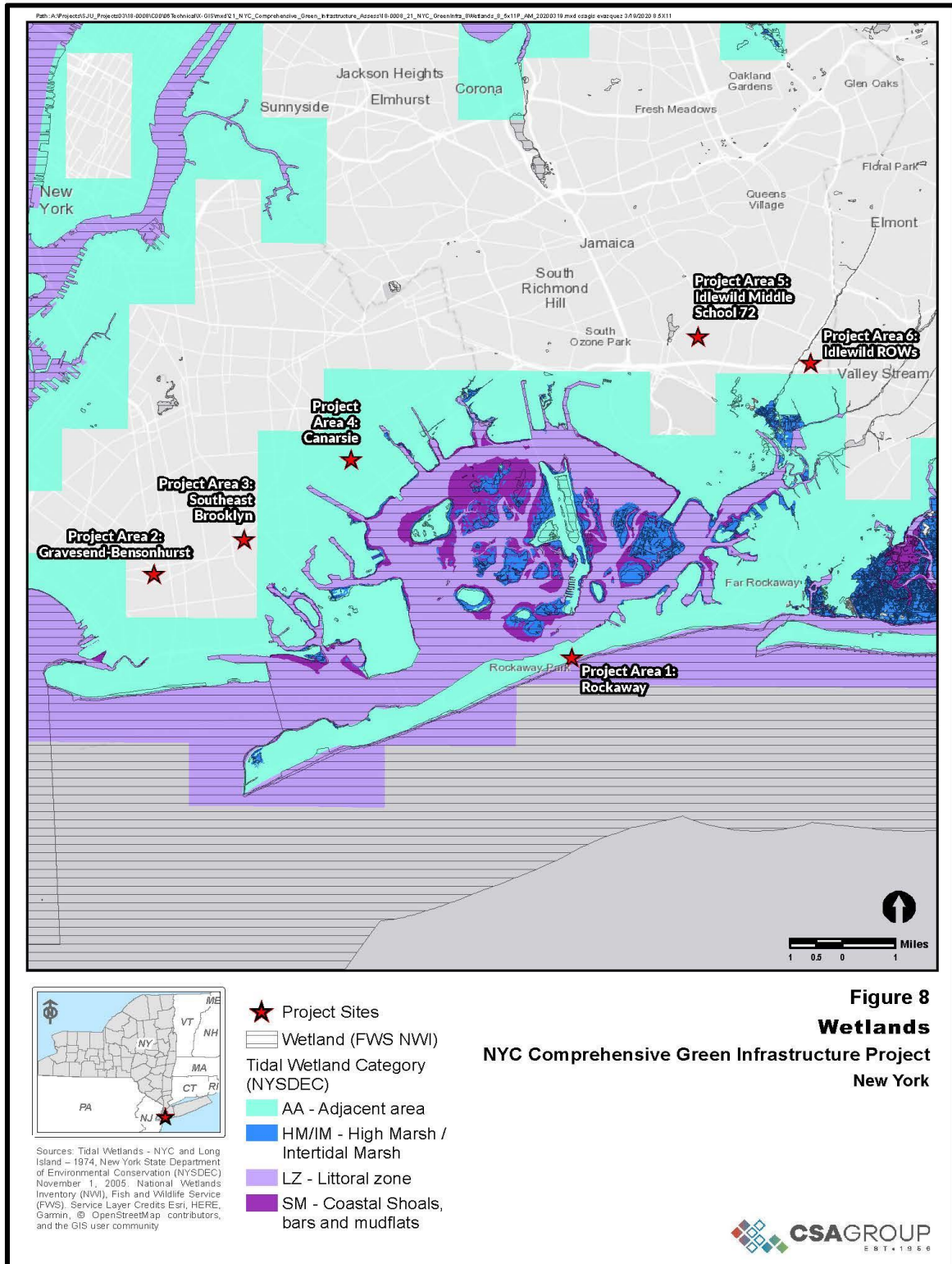


EXHIBIT 2
Copy of Notice Transmitting Notice of Early Public Review
and Proof of Publication

**EARLY NOTICE OF A PROPOSED ACTIVITY IN A 100-YEAR
FLOODPLAIN AND WETLAND
NEW YORK CITY COMPREHENSIVE GREEN INFRASTRUCTURE PROJECT
KINGS AND QUEENS COUNTIES, NEW YORK**

April 10, 2020

To: All interested Agencies, Groups, and Individuals,

This is to give notice that the Governor's Office of Storm Recovery (GOSR), an office of the New York State Housing Trust Fund Corporation (HTFC), has received an application from The Dormitory Authority of the State of New York (DASNY) to use Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the NY Rising Community Reconstruction Program to implement the New York City Comprehensive Green Infrastructure Project (hereinafter, the "Proposed Activity") and is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Development (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Proposed Activity, including alternative locations outside of the 100-year floodplain and wetlands. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances governmental efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in floodplains or wetlands, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG-DR program for storm recovery activities in New York State.

The Proposed Activity involves resiliency improvements utilizing green infrastructure within the boundaries of six NY Rising Community Reconstruction Program (NYRCR) Planning Areas in New York City. The project areas include: 1) Rockaway, Queens; 2) Gravesend/Bensonhurst, Brooklyn; 3) Southeast Brooklyn; 4) Canarsie, Brooklyn; 5) Idlewild Middle School (I.S. 72), Queens; and 6) Idlewild ROWs, Queens. The proposed project was developed to improve stormwater drainage within roadways and intersections as well as a property occupied by Idlewild Middle School (I.S. 72), which have been subject to flooding during recent storms. Specific green infrastructure measures proposed include bioswales within existing road rights of way (ROWs) and a rain garden within the boundaries of Idlewild Middle School (I.S. 72).

Out of the six project areas, only one (Rockaway, Queens) is located within the Special Flood Hazard Area (SFHA). The remainder of the project areas are outside the SFHA. None of the project areas occur within federal or state wetlands. The Proposed Activity in Rockaway Queens, including the installation of 22 bioswales within existing, paved, road ROWs, would result in less than 0.03 acres of permanent impacts to the SFHA.

Floodplain maps based on the FEMA Flood Insurance Rate Maps and wetlands maps based on the NWI and DEC data have been prepared and are available for review with additional information at <http://www.stormrecovery.ny.gov/environmental-docs>.

Any individual, group, or agency may submit written comments on the Proposed Activity or request further information by contacting Matt Accardi, Certifying Environmental Officer, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, NY 10004; email: NYSCDBG_DR_ER@nysher.org. Standard office hours are 9:00 AM to 5:00 PM Monday through Friday. For more information call (212) 480-6265. All comments received by April 27, 2020 will be considered.



**Governor's Office of
Storm Recovery**

ANDREW M. CUOMO
Governor

NYC Comprehensive Green Infrastructure Project
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Borough of Queens, City and State of
New York, County of Queens, and that
the notice of which the annexed is a
true copy, has been published in said newspaper:

To Wit: April 10, 2020



Cliff Luster

Sworn before me this 27th day of April, 2020



Yevgeniya Pechenaya
Notary Public, State of New York
No. 01PE6393208
Qualified in Kings County
Commission Expires June 10, 2023

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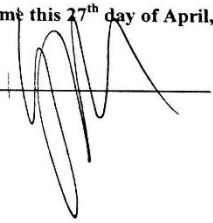
Cliff Luster, of Brooklyn, New York,
being duly sworn, that he is the Publisher of
Brooklyn Graphic
a weekly newspaper printed, published, and circulated in
Brooklyn, Kings County and that the notice, of
which the annexed is a true copy, has been
published in said newspaper 1 week(s).

TO WIT: April 10, 2020

Signed By


Cliff Luster

Sworn to before me this 27th day of April, 2020


Yevgeniya Pechenaya
Notary Public, State of New York
No. 01PE6393208
Qualified in Kings County
Commission Expires June 10, 2022

Proof of Mailing

Document: New York City Comprehensive Green Infrastructure Project
Brooklyn and Queens, NY

Date of Mailing: April 9, 2020

I, Cynthia Wallace, Administrative Assistant at WSP, mailed true and correct copies of the New York City Comprehensive Green Infrastructure Project Early Notice of proposed activity in a floodplain and wetland dated April 10, 2020 by placing in first class, post-paid envelopes addressed to those on the attached distribution list. The envelopes were deposited in a mailbox at James A. Farley, 421 8th Ave, New York, NY 10001-9998


(Signature)

EXHIBIT 3
Public Comments Received and Response

(no comments received)

EXHIBIT 4
Copy of Transmittal Notice of Final Public Review
and Proof of Publication
[Will be published June 19, 2020]

PUBLIC NOTICE

**COMBINED FINAL NOTICE AND PUBLIC REVIEW OF
A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

**FRESH CREEK COASTAL PROTECTION PROJECT
KINGS COUNTY, NEW YORK**

June 19, 2020

Name of Responsible Entity and Recipient: New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Matt Accardi (212) 480-6265. The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State.

Pursuant to 24 CFR Section 58.43, this combined Final Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland and Notice of Intent to Request Release of Funds (NOIRROF) satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR.

Project Description: The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide \$13,250,000.00 in CDBG-DR funding to the Dormitory Authority of the State of New York for the New York City Comprehensive Green Infrastructure Project located in Brooklyn and Queens.

The Proposed Project would include the implementation of resiliency improvements utilizing green infrastructure within the boundaries of six NY Rising Community Reconstruction Program (NYRCR) Planning Areas in New York City. The project areas include: 1) Rockaway, Queens; 2) Gravesend/Bensonhurst, Brooklyn; 3) Southeast Brooklyn; 4) Canarsie, Brooklyn, 5) Idlewild Middle School (I.S. 72), Queens; and 6) Idlewild ROWs, Queens. The proposed project was developed to improve stormwater drainage within roadways and intersections as well as a property occupied by Idlewild Middle School (I.S. 72), which have been subject to flooding during recent storms. Specific green infrastructure measures proposed include bioswales within existing road rights of way (ROWs) and a rain garden within the boundaries of Idlewild Middle School (I.S. 72).

PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

Out of the six project areas, only one (Rockaway, Queens) is located within the 100-year floodplain (SFHA Zone AE); the remainder of the project areas are outside the SFHA. Project Area 1 (Rockaway) and Project Area 4 (Canarsie) are situated within a NYSDEC Tidal Wetlands Adjacent Area. Since the action will include construction in a floodplain and wetland, Executive Orders 11990 and 11988 require that the project

not be supported if there are practicable alternatives to development in floodplain and construction in wetlands.

The primary alternative for the current proposed action is the “No Action” alternative. Not undertaking the Proposed Action would not be consistent with the goals and objectives of the New York City Rising Community Reconstruction Plan, in which it is a featured project that would improve stormwater management within frequently flooded street segments. The No Action Alternative would result in continued flooding of streets and beneficial impacts such as the reduction of urban heat island effects, energy use and greenhouse gas emissions would not be realized.

The NYC Department of Environmental Protection (DEP) evaluated other flood mitigation actions and through modeling found green infrastructure to be most cost effective and beneficial to floodplains, wetlands and water quality.

The Proposed Activity in Rockaway Queens, including the installation of 22 bioswales within existing, paved, road ROWs, would result in less than 0.03 acres of permanent impacts to the SFHA. Although Project Areas 1 (Rockaway) and 4 (Canarsie) are situated within a NYSDEC Tidal Wetlands Adjacent Area, no impacts to wetlands would occur. Applicable permits from the New York State Department of Environmental Conservation will be acquired before work is commenced. The Applicant will be bound by any permit stipulations or mitigation measures listed in permits acquired for this project.

GOSR is conducting an evaluation as required by Executive Orders 11988 and 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain and Wetland Management, to determine the potential effects that its activity in a floodplain and wetlands would have on the human and natural environment. An early public notice of proposed activity within the 100-year floodplain was published by GOSR in the Brooklyn Graphic and the Queens Times Ledger on April 10, 2020; no comments were received. A draft Floodplain Management Plan (8-step process) documenting compliance with Executive Orders 11988 and 11990 as well as floodplain and wetland maps have been prepared for this project and are available for review at: <http://www.stormrecovery.ny.gov/environmental-docs>.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or about July 7, 2020, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

HCR certifies to HUD that Matt Accardi, in his capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows GOSR to use CDBG-DR program funds.

Public Comments on the Proposed Activity within a Floodplain and Wetland and/or NOIRROF: Any individual, group or agency may submit written comments on the Proposed Project. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before July 6, 2020 at NYSCDBG_DR_ER@nyschr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before July 6, 2020 Governor’s Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, NY 10004. All comments must be received on or before 5pm on before July 6, 2020 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and GOSR’s

certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity or has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649 and emailed to disaster_recovery@hud.gov.